

**MEETING OF THE CENTRAL VALLEY FLOOD PROTECTION BOARD
9-23-10**

**STAFF REPORT
APPROVAL OF LETTER OF INTENT FOR THE
WHITE RIVER/DEER CREEK FEASIBILITY STUDY**

1.0 - ITEM

Consider approval of Resolution No. 10-40 (Attachment A) to:

- 1.1 Approve a Letter of Intent to participate, as a non-federal sponsor with the U.S. Army Corps of Engineers and the County of Tulare, in the White River/Deer Creek Feasibility Study in substantially the form attached hereto;
- 1.2 Delegate to the Board's Executive Officer the authority to sign the Letter of Intent in substantially the form attached hereto.

2.0 - PROJECT SPONSORS

Federal: U.S. Army Corps of Engineers, Sacramento District
State: Central Valley Flood Protection Board
Local: County of Tulare

3.0 - LOCATION

The study area is located in the Tulare Lake Basin watershed near the town of Earlimart with an estimated population of 6,583 and Greenhorn Mountains in Tulare County along White River and Deer Creek (Attachment B).

4.0 - BACKGROUND

White River and Deer Creek drain portions of the Greenhorn Mountains, an intermediate range of the southern Sierra Nevada Mountain Range, and flow west-southwest, terminating in the Tulare Lake Basin. Recurrent floods by over topping of White River and Deer Creek have caused loss of property, disruption of commerce, and interruption of transportation and communication. Flooding has occurred on an average interval of once every eight years since 1861. In 1997, the U.S. Army Corps of Engineers estimated annual flood damages at more than \$2,000,000.

The study will identify flood risk management, recreational, and ecosystem restoration improvements up to at least a 200-year level of protection. It will also identify structural and non-structural alternatives to increase flood protection levels and evaluate further

federal interest in pursuing alternatives based upon costs, benefits, environmental effects, and local interest and support.

The Water Resources Development Act Section 905(b) Analysis, (Reconnaissance Report) was finalized in 2010 and identified a federal interest in a project to warrant a feasibility study.

An Environmental Impact Study/Environmental Impact Report will be prepared as part of the study.

5.0 - AUTHORIZATIONS:

Federal: Flood Control Act of 1936 (PL 74-738, Section 4).

State: California Water Code Section 8615.

6.0 – ESTIMATED COSTS:

The study will be cost shared at a 50/50 split between the federal and non-federal sponsors. The non-federal share will be split 50/50 between the State and local sponsor. The projected total costs are \$3,125,000. The federal, State, and local sponsor's estimated contribution is \$1,562,500, \$781,250, and \$781,250.

7.0 - STAFF RECOMMENDATION:

Staff recommends that the Board approve Resolution No. 10-40 which will:

- Approve a Letter of Intent to participate, as a non-federal sponsor with the U.S. Army Corps of Engineers and the County of Tulare, in the White River/Deer Creek Feasibility Study in substantially the form attached hereto;
- Delegate to the Board's Executive Officer the authority to sign the Letter of Intent in substantially the form attached hereto.

8.0 - LIST OF ATTACHMENTS:

- A. Board Resolution No. 10-40
- B. Letter of Intent by State
- C. Letter of Intent by County of Tulare
- D. Location Map

STATE OF CALIFORNIA
THE NATURAL RESOURCES AGENCY
CENTRAL VALLEY FLOOD PROTECTION BOARD

RESOLUTION NO. 10-40

LETTER OF INTENT TO PARTICIPATE IN
THE WHITE RIVER/DEER CREEK FEASIBILITY STUDY

WHEREAS, the White River/Deer Creek Feasibility Study was authorized by Section 4 of the Flood Control Act of 1936 (Public Law 74-738); and

WHEREAS, Congress has authorized the U.S. Army Corps of Engineers (USACE) to conduct a study of flood control pursuant to Section 4 of the Flood Control Act of 1936 (Public Law 74-738); and

WHEREAS, the State of California, the Reclamation Board, now known as the Central Valley Flood Protection Board (Board), participation is authorized by Section 8615 of the Water Code; and

WHEREAS, the Board, USACE and the County of Tulare wish to enter into a cost sharing agreement for the purpose of conducting a feasibility study for the White River and Deer Creek, Tulare County, Earlimart area to investigate flood damage reduction, ecosystem restoration, and recreation opportunities; and

WHEREAS, USACE provided the total feasibility costs estimate of \$3,125,000 which will be cost shared at a 50/50 cost split between USACE and the non-federal sponsors at \$1,562,500 each, the non-federal cost share will be cost shared at 50/50 cost split between the Board and the County of Tulare at \$781,250 each;

WHEREAS, Section 225 of the Water Resources Development Act of 2000, Public Law 106-541, amends Section 105(a)(1)(E) of the Water Resources Development Act of 1986, Public Law 99-662 (33 U.S.C. Section 2215(a)(1)(e)) to allow the local sponsors to provide their entire share of the study costs through the provisions of in-kind services; and

WHEREAS, the Board's eventual participation in the project is subject to the successful completion of the California Environmental Quality Act (CEQA) process.

NOW, THEREFORE, LET IT BE RESOLVED that the Central Valley Flood Protection Board:

- 1) Approves a Letter of Intent to participate, as a non-federal sponsor with the U.S. Army Corps of Engineers and County of Tulare, in the White River/Deer Creek Feasibility Study in substantially the form attached hereto.
- 2) Delegates to the Board's Executive Officer the authority to sign the Letter of Intent in substantially the form attached hereto.

By: _____ Date: _____
Benjamin F. Carter
President

By: _____ Date: _____
Francis "Butch" Hodgkins
Secretary

Approved as to Legal Form and Sufficiency

Jeremy D. Goldberg
Legal Counsel
State of California, Department of Water Resources

FEASIBILITY STUDY White River/Deer Creek Tulare County, CA



CENTRAL VALLEY FLOOD PROTECTION BOARD

3310 El Camino Ave., Rm. 151
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682



September 23, 2010

Colonel William J. Leady
District Engineer
Sacramento District
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: Letter of Intent for the White River/Deer Creek Feasibility Study

Dear Colonel Leady:

The State of California, Central Valley Flood Protection Board (Board) is confirming its interest to participate with the U.S. Army Corps of Engineers (USACE) as a non-federal sponsor with the County of Tulare on the White River/Deer Creek Feasibility Study.

The Board intends to participate with USACE in the White River/Deer Creek Feasibility Study to identify structural and non-structural alternatives to increase flood protection levels and evaluate federal, State, and local interest in pursuing alternatives based on costs, benefits, social, and environmental effects. An Environmental Impact Study/Environmental Impact Report will be prepared as part of this study.

The Board is willing to pursue a cost shared feasibility study described in the Project Management Plan and share in the costs of the project's construction.

It is understood that this letter is not a binding commitment and the Board looks forward to working with USACE in initiation of these studies.

I can be reached at (916) 574-0609 or your staff may contact Robert E. Scarborough, Chief of USACE/CVFPB Feasibility Studies, at (916) 674-1042 or rscarbor@water.ca.gov, if you have any questions.

Sincerely,

Jay Punia
Executive Officer

cc: (See attached list).

cc: Mr. Jake, Jr.
Director Tulare County Resources Management
County of Tulare
5961 South Mooney Blvd.
Visalia, California 93277

Ms. Michelle Williams
Project Manager
U.S. Army Corps of Engineers
1325 J Street
Sacramento, California 95814

Mr. Noel Lerner
Mr. Michael Sabbaghian
Mr. Robert Scarborough
Department of Water Resources



RESOURCE MANAGEMENT AGENCY

Attachment D

5961 SOUTH MOONEY BLVD
VISALIA, CA. 93277
PHONE (559) 624-7000
FAX (559) 730-2653

Jake Raper, Jr.
Britt L. Fussel
Roger Hunt

Planning
Public Works
Administration/Community
Development

JAKERAPER JR, AICP, DIRECTOR

August 12, 2010

Colonel William J. Leady
Sacramento District Commander
Department of the Army
Corps of Engineers
1325 J Street
Sacramento, California 95814-2922

Subject: Frazier Creek Flood Prevention Feasibility Study and Facilities Construction- Tulare County, California

Dear Colonel Chapman:

Together with the United States Army Corps of Engineers (Corps), the County of Tulare herewith confirms the intent to participate as a non-Federal sponsor with the Central Valley Flood Protection Board for a Feasibility Study and facilities construction of the Frazier Creek floodways and watersheds.

The Feasibility Study will develop a project that would integrate potential projects defined in the Corps Reconnaissance Study Report; prioritize components of the study; reflect an adaptive management approach to improving the floodways and ecosystem; and assist to bring together a partnership of landowners, water users, local conservancy groups, with local State, and Federal agencies. The study would serve as a forum for the diverse interests of the community such as reclamation districts, irrigation districts, water agencies, businesses, and public agencies to provide mutual flood protection.

Our sponsorship of the Feasibility Study and subsequent facilities construction is subject to the refinement of the scope of work, project management plan, determination of study costs and financial participants, negotiation of cost-sharing agreement and final construction costs. We understand that this Letter of Intent is not a binding commitment by Tulare County with the Corps.

We appreciate the opportunity to work with the Corps, and we look forward to the initiation of this study.

Sincerely,

Jake Raper, Jr., AICP
Director Tulare County Resource Management Agency